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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/029,688	12/21/2001	Ken W. Elwell	NA11P061/01.303.01	3280

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EXAMINER

JEAN, FRANTZ B

ART UNIT PAPER NUMBER

2151

DATE MAILED: 05/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/029,688

Applicant(s)

ELWELL ET AL.

Examiner

Frantz B. Jean

Art Unit

2151

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>2</u> . | 6) <input type="checkbox"/> Other: _____  |

This office action is in response to a request for consideration filed on 2/13/2004.

Claims 1-34 are pending in the application.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1-34 are rejected under 35 U.S.C. 102(a) as being anticipated by Fletcher et al. hereinafter ("Fletcher") US patent No. 6,269,401.

As per claims 1, 9, 17, Fletcher teaches a method for analyzing a network utilizing a host controller, comprising: accumulating network traffic information (see col. 23 lines 50-54); tracking a predetermined time interval (col. 23 lines 55 et seq); polling for the receipt of a demand over a network and in response to the demand or the cessation of the predetermined interval setting, transmitting the network traffic information to a zone controller (the zone controller is inherent in Fletcher various controllers), (see col. 24 lines 10 et seq).

As per claims 2-4, 10-12, 18-20, Fletcher teaches a network traffic that is received from a plurality of agents distributed over the network; receiving the interval setting from the zone controller and controlling the agents to accumulate network traffic information based on the interval setting (see col. 24 lines 10 et seq).

As per claims 5-7, 13-15, 21-23, Fletcher teaches generating a map of the network based on the network traffic information and transmitting the map to the zone controller (col. 5 line 57 to col. 6 lines 1 et seq).

As per claims 8, 16, 24, synchronizing a first clock of the host controller and a second clock of the zone controller are inherent in Fletcher system for communication purpose.

As per claims 25, 27 and 31, Fletcher teaches a method for analyzing a network utilizing a host controller, comprising: accumulating network traffic information (see col. 23 lines 50-54); transmitting the network traffic information to a zone controller (see col. 24 lines 10 et seq), generating a map of the network based on the network traffic information and transmitting the map to the zone controller (col. 5 line 57 to col. 6 lines 1 et seq). Fletcher teaches an information collector manager (col. 5 lines 16 et seq)

As per claim 26, it contains all the limitations disclosed in claim 1. Therefore, it is rejected under the same rationale. Furthermore, Fletcher teaches Fletcher teaches generating a map of the network based on the network traffic information and transmitting the map to the zone controller (col. 5 line 57 to col. 6 lines 1 et seq), and synchronizing a clock between the host controller and the zone controller which is inherent in Fletcher for communication purpose.

As per claim 28, Fletcher teaches a wireless communication network (see col. 6 lines 58 et seq).

As per claims 29 and 33, Fletcher teaches a correlation among computers associated with the network traffic information (see col. 6 lines 35-55; col 5-col. 6).

As per claims 30 and 34, Fletcher teaches mapping of computers associated with the network information (see col. 6 lines 26 et seq).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frantz B. Jean whose telephone number is 703 305 3970. The examiner can normally be reached on 8:30-6:00 M-f.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton B. Burgess can be reached on 703 305-4792. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Frantz Jean

  
**FRANTZ B. JEAN**  
**PRIMARY EXAMINER**